

**Information to identify the case:**

Debtor 1	<b>Marilyn Padilla</b>	Social Security number or ITIN	<b>xxx-xx-2691</b>
	First Name Middle Name Last Name	EIN	__-_____-
Debtor 2	<b>Fernando Castedo</b>	Social Security number or ITIN	<b>xxx-xx-3484</b>
(Spouse, if filing)	First Name Middle Name Last Name	EIN	__-_____-

United States Bankruptcy Court **Eastern District of New York**

Case number: **1-15-45585-cec**

**Order of Discharge of Debtor(s) After Completion of Chapter 13 Plan**

Revised: 12/15

**IT IS ORDERED:**

A discharge under 11 U.S.C. § 1328(a) is granted to:

Marilyn Padilla

Fernando Castedo

**BY THE COURT:**

Dated: August 2, 2018

s/ Carla E. Craig  
 United States Bankruptcy Judge

**SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.**

## EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 13 CASE

This court order grants a discharge to the person(s) named as the debtor(s) after the debtor(s) has completed all payments under the chapter 13 plan. This order does not close or dismiss the case.

### **Collection of Discharged Debts Prohibited**

The discharge prohibits any attempt to collect from the debtor(s) a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor(s). *[In a case involving community property:]* [There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor(s).

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

### **Debts That are Discharged**

The chapter 13 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt is provided for by the chapter 13 plan or is disallowed by the court pursuant to section 502 of the Bankruptcy Code.

### **Debts That are Not Discharged**

Some of the common types of debts which are not discharged in a chapter 13 bankruptcy case are:

- a. Debts that are domestic support obligations;
- b. Debts for most student loans (in a case filed on or after October 17, 2005);
- c. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- d. Debts for personal injury or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated (in a case filed on or after October 17, 2005);
- e. Debts for restitution, or damages, awarded in a civil action against the debtor as a result of malicious or willful injury by the debtor that caused personal injury to an individual or the death of an individual (in a case on or about October 17, 2005);
- f. Debts provided for under section 1322(b)(5) of the Bankruptcy Code and on which the last payment is due after the date on which the final payment under the plan was due;
- g. Debts for certain consumer purchases made after the bankruptcy case was filed if prior approval by the trustee of the debtor's incurring the debt was practicable but was not obtained;
- h. Debts for most taxes specified in 11 U.S.C. § 507(a)(8)(C), 523(a)(1)(B), or 523(a)(1)(C) to the extent not paid in full under the plan (in a case filed on or after October 17, 2005).

In addition, this discharge does not stop creditors from collecting from anyone else who is also liable on the debt, such as an insurance company or a person who cosigned or guaranteed a loan.

**This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.**